

TRULINCS 07480408 - KENNER, PHILLIP A - Unit: BRO-J-A

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FROM: 07480408  
TO:  
SUBJECT: Kenner 13-cr-607 (JFB)  
DATE: 08/11/2019 07:47:01 PM

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 14 2019 ★

August 11, 2019

The Honorable Judge Bianco  
US District Courthouse -- DENY  
100 Federal Plaza  
Central Islip New York 11722

LONG ISLAND OFFICE

Judge Bianco:

This Rule 41(g) submission is Kenner's reply to the government's 4+ year delayed opposition to returning Kenner's electronic peripherals (at least the ones they have admitted to taking). As the Court recalls, at trial, Your Honor ordered the government to brief you as to the government's position why they should keep the peripherals even thru the end of trial. Clearly incompetent trial counsel owns some of the negligence for failing to demand them thru follow-up requests during trial, but the government cleverly skirted the ordered briefing for Kenner's laptop computer and iPhone (specifically).

Nevertheless, the government's current position forecasts their expectation of a new trial to be granted for any myriad of issues that they "pulled" on the Court and the jury. As such, they believe that they are entitled to retain the original devices, in lieu of making an exact computer image of the hard drives for their back-up and use at the next trial. As the Court knows, their own forensic experts have the necessary wherewithal to certify exact duplicates, and considering nothing was challenged from Kenner's possession as inauthentic at trial (requiring secondary authenticity), the likelihood of it being needed at a clearly more streamlined second trial would be negligible, since the government will not be able to present the Kaiser "forgery" ruse (now exposed as a fraud by Kenner), the Kristen Peca literal lies about her "bonds" (which were never actually transferred as she cried in testimony), the receipt of the default letter she never received (while living in a home where the letter was NOT delivered), her fabricated participation in the 2005 Hawaii meeting (while never knowing about it until 2008-09 per her own FBI phone recording confessions to Kenner), and other faulty witness claims. They were all fully debunked since trial with the empirical evidence the government hid and/or ignored pre-trial from their theory creation and potential witnesses to assist with their "memory loss" testimony -- defended as "faulty memory, confusion and mistakes"...yet -- never defended as the "truth", worthy of a verdict of confidence.

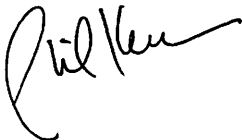
The Court knows that the Jowdy "no loans" ruse will not be repeated either by the government, claiming Kenner "stole" the money, because the government acknowledged post-trial thru Government-forfeiture-44 that "Jowdy actually received" it all...and the government produced government-forfeiture-36 which disproved "Kenner stole the investors money to buy his \$2.5 million stake in Cabo san Lucas". Those intentionally prejudicial lies cannot be repeated at the next trial to harm Kenner...What would be left that the government needs the original hard drives to prove? There is nothing they have raised since November 2013. What new theory could they possibly construct now needing evidence they received from a faulty search warrant, improperly challenged by ineffective and incompetent trial counsel alleging a Ganas violation -- wholly unrelated to Kenner's case that even a layperson would have known?

In light of Kenner's request and the government's clear ability to produce their own forensically certified mirror hard drive images, the defendant requests the Court to order the government to return Kenner's possessions immediately to his family.

As of the date of this letter submission, Kenner has still not received the government's opposition to his Rule 29-33 reconsideration motion.

I remain, respectfully yours,

Phil Kenner



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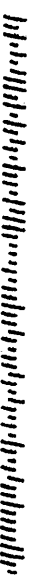
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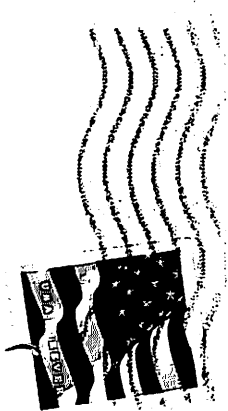
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